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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 1 April 1996, at 10 a.m.

Chairman: Mr. LEGAULT (Canada)
(Vice-Chairman)

later: Mr. VERGNE SABOIA (Brazil)
(Chairman)

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In the absence of Mr. Vergne Saboia (Brazil), Mr. Legault (Canada), Vice-Chairman, took the Chair.

The meeting was called to order at 10.20 a.m.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda)

1. The CHAIRMAN said that, after extensive consultation with all the regional groups, the Bureau was recommending that a new item be added to the provisional agenda as item 23, to be entitled "Indigenous issues". Items 23 and 24 of the provisional agenda would then become items 24 and 25 respectively.

2. The agenda, as amended, was adopted.

3. Mr. LEHMANN (Denmark) said that, having proposed the addition of a separate agenda item on indigenous issues, his delegation wished to express its appreciation to all the members of the Commission for their serious consideration of the proposal. By adding the new item, the Commission was assuming its responsibilities as primary defender of the cause of human rights and would be playing a key role in implementing the activities of the International Decade of the World's Indigenous People.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1996/70; E/CN.4/1996/NGO/50 and 63)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1996/88, 129 and 130; A/50/514)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1996/95 and Add.1 and 2 and Add.2/Corr.1; E/CN.4/1996/NGO/19 and 59)

4. Mr. NARAY (Hungary) said that, as clearly demonstrated by various recent conflicts, gross violations of the rights of minorities could undermine regional stability and constitute a serious threat to international peace and security. The legitimate aspirations of minority groups were too often viewed as a sign of disloyalty to the State in which they resided. In fact, pluralist and genuinely democratic societies which ensured respect for the identity of minorities, promoted their social and economic development and encouraged their participation in public affairs benefited greatly from the economic, social and cultural contributions of those groups. In contrast, political decisions influenced by ethnic considerations represented an abuse of democracy and alienated important groups from the common interests of society.

5. According to his country's legislation, minorities were constituent entities of the State and shared in its sovereignty. The law in question, which was designed to help minorities preserve their status, guaranteed

national or ethnic identity as a basic human right and prohibited any policy which violated that right. It also ensured the full range of minority rights.

6. The first elections in Hungary of local autonomous minority governments had taken place in November 1995. As the result, 61 governments had been set up by 10 different minority groups. Such governments played an important role in maintaining the identities of the minorities they represented: by law, measures concerning local public education, mass media, and local traditions, cultures and languages could not be adopted without the consent of the local minority government. Minority governments had also been elected at the national level and had the right to express their views on bills and regulations and participate in the supervision of minority education.

7. The previous year, the Hungarian Parliament had elected a commissioner for national and ethnic minority rights, mandated to consider disputes concerning minorities and to propose preventive measures. Under recently adopted legislation on the media, the public broadcasting system was encouraged to promote the culture and language of the national and ethnic minorities and provide them with information in their mother tongues.

8. His Government had taken a number of steps to promote minority issues at the regional and international levels: in 1995 it had ratified the Framework Convention for the Protection of National Minorities of the Council of Europe, it had supported the work of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE); and it had encouraged cooperation between OSCE and the United Nations High Commissioner for Human Rights. His Government continued to conclude treaties with its neighbours to provide international legal guarantees for minorities living in the region.

9. The Working Group on Minorities, established by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, would provide a useful forum for expert discussion on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and should help develop higher standards for the treatment of minorities. He welcomed the fact that representatives of minority groups would be able to participate in the activities of the Working Group, thus making it even more credible, and hoped that the Group would refrain from fruitless theoretical debate and seek constructive solutions to current problems by examining the approaches that already existed.

10. Despite the existence of other mechanisms, it would still be useful if the Commission were to appoint an expert or representative to deal with minority rights issues. The work of the appointee should be supplemented by the monitoring functions of the treaty bodies and other thematic mechanisms of the Commission. The High Commissioner for Human Rights also had a key role to play in the early identification of violations of rights of minorities or indications that such rights were not being adequately protected.

11. Ms. GHOSE (India) said that there was an urgent need to promote a culture of tolerance, at the national and international levels, in order to build the foundations of democracy and pluralism, which in turn ensured respect for human rights.

12. The world was, however, witnessing a resurgence of intolerance and extremism and the rise of religious fundamentalism, and democratic societies must find a way to deal with it, by means of legislation, education and consciousness raising. The international forums that had been organized thus far were not enough: a more concerted effort was needed, backed by United Nations agencies and local non-governmental organizations (NGOs).

13. Her Government regretted that it had so far been unable to agree with the Special Rapporteur on religious intolerance on a mutually acceptable date for his visit to India. It supported, however, the conclusions and recommendations contained in his report (E/CN.4/1996/95) and particularly his emphasis on the need for international solidarity to curb hatred, violence and intolerance by acting on both the causes and the effects. The idea of defining a baseline of commonly accepted rules and principles of conduct towards religious extremism was a good one. He had also rightly emphasized that legislation and education should be used to differentiate more clearly between the vagaries of politics and the constant values of religion. There was also a need to control or even stop the funding of political and religious organizations by outside sources.

14. The report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1996/88) was a mechanical patchwork of material from certain selected human rights mechanisms. The report appeared to dismiss information from States about constitutional and legislative provisions while emphasizing implementation measures but such measures were of little value if discrimination against minorities was institutionalized and protective mechanisms were not statutory. The Working Group on Minorities had decided to give priority attention at its second session to constitutional and legal provisions protecting the existence and identities of minorities, since pluralism and tolerance could flourish only on the basis of the principle of equality.

15. The Constitution of India prohibited discrimination on the grounds of religion, and established freedom of conscience and the right freely to practise any religion, including the establishment of institutions for religious and educational purposes and the acquisition and administration of property. Such constitutional safeguards were enforceable before the courts. The Indian Minorities Commission was mandated to evaluate the development of minorities, act as a civil court in monitoring the implementation of constitutional safeguards, and examine specific complaints. Concerns voiced by linguistic minorities were investigated by a commissioner appointed specifically to deal with such matters. At both the federal and state levels, development and finance corporations were helping to promote the economic welfare of minorities and a cabinet-level committee on minority welfare had been established.

16. Yet, such measures were insignificant unless efforts were made to promote a culture of tolerance, through education, dialogue, and the progressive changing of attitudes. To that end, the relevant United Nations bodies must accord high priority to the promotion of tolerance and should initiate studies and set up forums on the topic and encourage the mass media, NGOs and technical cooperation programmes to provide assistance to countries, including help in adopting the appropriate legislation.

17. Mrs. BAUTISTA (Philippines) said that the protection and promotion of the human rights of migrant workers imposed obligations on both the sending and receiving countries. Her Government had recently strengthened assistance to its emigrating nationals both before and after their departure and was also vigorously pursuing policies to reduce the need for emigration and encourage citizens to remain at home.

18. The international community should cooperate to ensure that the basic rights of migrant workers were respected in the host countries. An important step in that regard was ratification of or accession to the International Convention on the Rights of All Migrant Workers and Members of Their Families, which could help dissipate tensions rooted in misunderstanding, insecurity and xenophobia. However, only seven States had become parties to that Convention and she strongly urged States to consider doing so and thus addressing the needs of the migrant workers throughout the world.

19. Her delegation wished to express its appreciation to the Special Rapporteur on violence against women, and to the Governments, NGOs and private individuals that had assisted in the case of Sarah Balabagan, which amply illustrated the plight of women migrant workers. The High Commissioner for Human Rights should make the rights of migrant workers one of his priority concerns and the international community should convene an international conference on the issue.

20. Mr. KUEHL (United States of America) said that religious tolerance was a fundamental tenet enshrined in the United States Bill of Rights and in its laws. No one had ever questioned its value to United States society, nor doubted that it applied not just to United States citizens, but to everyone. His country was proud that, over time, such views had been embraced by all the nations of the world particularly through the Universal Declaration of Human Rights. Nevertheless, the freedom to practise religion remained restricted or repressed in far too many places although the principle of religious tolerance should protect everyone's belief. Governments and individuals everywhere must recognize that fact and meet their obligations under the Universal Declaration.

21. Over the years, the United States had welcomed many faiths and made a place for them among its people. Thus, it had the highest respect for the achievements of its own Muslim community and for Muslim civilization. However, his Government could neither tolerate extremists in countries like Algeria, who slaughtered women in the name of Islam, nor accept the bloody acts of terrorism in Israel.

22. The Special Rapporteur on religious intolerance had paid a visit to Iran and he urged all members to read the report on that visit (E/CN.4/1996/95/Add.2) which documented Iran's continuing persecution of its religious minorities. The Commission must condemn that intolerable and intolerant behaviour as well as the desecration of places of worship in the former Yugoslavia and increased anti-Muslim discrimination in Europe. The United States, which had found a place for virtually all the world's great religions on its territory, could not accept religious intolerance wherever it occurred.

23. Religious freedom was a human right, inscribed in the Universal Declaration of Human Rights, and it was the Commission's duty to focus the world's attention on those who failed to live up to the standards of religious tolerance and to reach out to those who were working to enhance religious tolerance and promote religious freedom.

24. Mr. Vergne Saboia (Brazil) took the Chair.

25. Mr. YANG Houdi (China) said that the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities was an important aspect of human rights protection but, for the Working Group on Minorities to be efficient, it should abide fully by the principles of impartiality, non-selectivity, respect for State sovereignty, and territorial integrity and avoid becoming a forum for receiving complaints.

26. While it was the responsibility of Governments to take measures to promote the equal rights of minorities, his delegation was also aware that different countries and regions had different historical and cultural traditions as well as distinctive levels of economic development and national composition. Each country should thus respect the internationally recognized human rights standards while adopting measures suitable to its own circumstances and international cooperation should be free from prejudice and double standards and should aim at upholding the principles of equal treatment, sincere cooperation and mutual respect.

27. The Commission should therefore take steps to put an end to the arrogant behaviour of some States which, in pursuit of their own political interests, made presumptuous comments on the situation of minority nationalities in other countries, interfered in the internal affairs of other States or, worse still, tried to undermine their territorial integrity.

28. Under the Chinese Constitution, a series of legislative and administrative measures had been adopted to ensure the complete equality of all the nationalities of China in every aspect of social life. The languages of all nationalities enjoyed equal treatment and actions which breached the customs and rituals of minority nationalities were severely punished under the law.

29. China currently had five autonomous regions, 30 autonomous prefectures and 121 counties in areas where minority nationalities lived. While striving to protect the civil, political and equal rights of minorities, the Chinese Government had also adopted a series of measures to ensure the economic, social and cultural rights of those groups by promoting the economic and social development of their regions.

30. The comments on China made by the Special Rapporteur on torture and quoted in the Secretary-General's report (E/CN.4/1996/88) had nothing to do with agenda item 16. Moreover, the Special Rapporteur had based his comments on hearsay and rumours. Such behaviour was irresponsible and biased and must be corrected.

31. Mr. SHAMSHUR (Ukraine) said that, as his Government had constantly demonstrated, it attached the utmost importance to the protection of the

rights of persons belonging to national or ethnic, religious and linguistic minorities. The main principles of its policy in that area were ensuring equality of constitutional rights and freedoms of all citizens irrespective of race, religion and ethnic origin, and strengthening legal safeguards against discrimination and manifestations of extremism and intolerance of any kind.

32. Despite the country's difficult economic situation, measures were being taken to promote education in the languages of minorities and to enrich their cultural life. Although his Government was concerned to develop the country's ethnic identity, culture and language, which had been adversely affected by the policy of forced assimilation pursued under the former Soviet Union, the Ukrainian revival was not taking place at the expense of other national minorities or ethnic groups nor did it infringe upon the rights of persons belonging to such groups.

33. One specific issue faced by his Government in the field of minority rights was the rehabilitation of the representatives of peoples formerly deported from Ukraine under Stalin. It had adopted a programme for the resettlement of the Crimean Tatars and the descendants of other former deportees, but the implementation of that programme was heavily dependant on the availability of financial resources. He hoped that impetus would be given to increased international awareness and cooperation by the imminent donor consultations and the forthcoming conference on refugees, returnees, displaced persons and related migratory movements in the CIS countries.

34. The Government of the countries where millions of ethnic Ukrainians currently resided would, he expected, devote as much attention to protecting their rights as his Government did in the case of minorities in Ukraine, since it was the country of citizenship or permanent residence that bore primary responsibility for securing minority rights on its territory. However, the aim could be achieved through intergovernmental cooperation on the basis of bilateral and multilateral agreements between the States concerned, together with appropriate monitoring on the part of relevant international institutions. In that connection, he welcomed the establishment of the Working Group on Minorities.

35. Any Commission resolution on minorities should be non-confrontational. While his delegation supported the increased attention given to minority issues by the High Commissioner for Human Rights and other relevant United Nations bodies and organs, it felt that the efficiency of the Declaration could be enhanced through more active involvement of the treaty bodies and special rapporteurs.

36. Mr. KREID (Austria) said that the relationship between national or ethnic, religious and linguistic minorities and their respective administrations had a direct bearing on inter-State relationships and could lead to cross-border conflicts that threatened the stability and peace of an entire region. The international community should thus regularly monitor compliance with the Declaration and urge Governments to take appropriate action to defuse potential conflicts.

37. Developments in the former Yugoslavia, were a dire reminder of what could happen if appropriate action was not taken rapidly. In that connection, in

addition to convening a round-table conference on human rights in Bosnia and Herzegovina, his Government would continue to support the work of international organizations and NGOs on the ground in order to assure the protection of minority groups in that war-torn part of Europe.

38. His delegation fully supported the establishment of the inter-sessional Working Group on minorities, which, he considered, had successfully begun its work. His Government had furnished the Working Group in 1993 with all relevant information on how it accommodated minority concerns and protected minority rights, and would shortly update that information. It urged other States to follow suit.

39. The Organization for Security and Cooperation in Europe (OSCE) had established a comprehensive set of standards in favour of national minorities that had been endorsed by all the members of the organization. That commitment was an important step forward in developing policies for minority protection that would pave the way for legally binding standards. The Council of Europe, for its part, had formulated a number of legally binding rules for national minorities in a Framework Convention for the protection of national minorities. All such measures had a common denominator, namely, respect for the identities of persons belonging to minorities, and constituted a positive contribution to the security of States, and thus to international stability.

40. Mr. KRYLOV (Russian Federation) said that the implementation of the Declaration on the Rights of Individuals belonging to National or Ethnic, Religious and Linguistic Minorities would depend on a combination of two factors: the readiness of States to ensure the rights of minorities and the coordination of international efforts to achieve that goal. Under no circumstances must the situation of minorities be made hostage to political affinities, double standards or short-term interests. He thus welcomed the establishment of the Working Group on Minorities.

41. The Russian Federation, a country inhabited by representatives of 176 nationalities, peoples and ethnic groups, could progress only in conditions of inter-ethnic harmony. Within the Federation, individual peoples, including a number of peoples of the northern areas, had their own national institutions. A legislative act on local self-government had recently been adopted, and a similar act on national and cultural autonomy would soon be passed. In addition, a draft outline of the nationalities policy to be adopted was under consideration by the Government.

42. Russians could not remain indifferent to the fate of their 25 million compatriots who had been left outside the borders of the Federation as a result of the collapse or the Soviet Union. Russian society was particularly troubled by the growing tendency in a number of newly independent States to proclaim an exceptional status for the indigenous population and to violate the human rights and freedoms of the Russian-speaking population. Such aggressive nationalism, which could lead to ethnic conflicts, demanded close attention from the international community, including in the context of early-warning and preventive measures.

43. In trying to solve the problems of Russians abroad, his Government focused on assisting their voluntary integration into the life of the newly

independent States while preserving their cultural integrity. Those efforts were undertaken in accordance with the principles of international law and on a bilateral and multilateral basis. The situation of the Russian-speaking population in the Baltic States, and especially Estonia, was still deplorable, however. Citizenship legislation in those countries had turned thousands of ethnic Russians into stateless persons, purportedly because of the need to make amends for historical injustice.

44. The violation of human rights and discrimination were not compatible with historical justice, and it was encouraging that that argument was starting to be heard beyond the confines of the Russian Federation. His Government thus welcomed the conclusions of the Human Rights Committee, following its consideration of the report of Estonia, and regretted that the Estonian authorities had not heeded the Committee's recommendations. They had, in fact, become even more harsh in their treatment of ethnic Russians and were even trying to expel the Estonian Orthodox church from the country. Such policies were manifestations of intolerance and should be qualified as such by the High Commissioner for Human Rights and the Special Rapporteur on religious intolerance.

45. Mr. GOONETILLEKE (Sri Lanka) said that minority rights were guaranteed in his country's Constitution and could be upheld before the courts of law. An amendment to the Constitution gave the Tamil and Sinhalese languages equal status as official languages and the introduction of proportional representation had helped to enhance the participation of minority communities in the decision-making process. Power had been devolved to provincial councils by a 1987 amendment to the Constitution, adopted primarily in response to the aspirations of the Tamil community for direct representation and regional autonomy.

46. His delegation agreed with the conclusion, set out in the report of the Secretary-General on the rights of minorities (E/CN.4/1996/88), that national institutions played an important role in strengthening minority rights. It likewise endorsed the recommendations of the Special Rapporteur on religious intolerance (E/CN.4/1996/95) concerning the importance of human rights education in promoting a culture of human rights and tolerance.

47. The links between members of minorities residing in various parts of the world could foster positive interaction among the communities concerned, just as they could lead to friction and misunderstanding. In the post-cold-war international landscape, the incidence and severity of conflicts involving minorities was growing, especially in the Baltic, the Balkans and Central Europe.

48. In some countries, certain groups sought to project themselves as guardians of the rights of particular minorities, resorting to terrorism against the democratic opposition in their communities and eliminating those with divergent views. To sustain their violent campaigns, they engaged in criminal activities such as drug trafficking, trafficking in persons and illicit trade in arms. They raised funds through blackmail of their expatriate communities, abusing the institution of asylum and the liberal laws

and traditions of receiving countries. That situation had created a serious international problem which could be remedied only through international cooperation.

49. The right to self-determination had often been invoked to justify unbridled violence. It was true that frustrated minority expectations could lead to instability at the national and international levels, but the international community must be vigilant against armed groups using such slogans as a pretext for terrorist activities.

50. Mr. ZAHRAN (Egypt) said that his delegation regretted that, to date, only seven States had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and appealed to all States to give priority to the Convention, so that it could enter into force as soon as possible. The Convention, by protecting migrant workers against expulsion and exclusion, contributed to peace and stability within nations and in the international community.

51. Migrant workers should have the same rights as nationals in terms of salaries, working conditions, health care and social security. The host State should respect the members of families of migrant workers and not intervene in their personal affairs. It should not, for example, prohibit the transfer of funds and property from migrant workers to family members in their countries of origin.

52. Inter-State consultations should be held to strengthen the protection of migrant workers, especially in terms of the organized return of such workers to their countries of origin. The United Nations should ensure wide dissemination of the International Convention. A special role should be played by the International Organization for Migration (IOM), while cooperation between the Centre for Human Rights, the United Nations Population Fund (UNFPA) and the International Labour Organization should be consolidated. NGOs should also be involved in the work, but they must act objectively and not engage in divisive propaganda.

53. Just as it was important to promote the equality of rights of men and women, so the rights of women migrant workers must be strengthened. All States had a duty to protect the human rights and fundamental freedoms of all individuals within their territories, particularly women, who were particularly vulnerable in the workplace.

54. Improving the situation of migrant workers was all the more important in that migratory flows were increasing. Egypt was well acquainted with the situation of migrant workers and was well-known for its social and religious tolerance. Its Constitution and legislation provided for equitable treatment of all residents, no matter what religion they practised.

55. Mr. AHSAN (Bangladesh) said that, despite the adoption of the Declaration, a number of pertinent questions regarding minorities remained unsolved such as the definition of a minority, which must be something more than a numerical concept and involve, for instance, vulnerability. Lack of access to economic resources and opportunities would cause vulnerability.

which often cut across ethnic, religious or linguistic patterns, so that disadvantaged groups, identifiable only by their economic backwardness, should arguably be the subject of priority action by the State.

56. The protection of vulnerable and non-dominant population groups must be secured within the framework of municipal initiatives, of which full account should be taken before any regime for international protection could be envisaged. It was therefore important to study the protection against discrimination provided by States around the world, which would help to establish clear categories of States in terms of protection against discrimination. A uniform regime of protection was perhaps not suitable. Encouraging States to improve their record through constructive dialogue between dominant and non-dominant groups would be more effective.

57. It was difficult to see how the second session of the Working Group on Minorities could be held in April-May 1996, since two reports would then be generated instead of the one provided for in Commission resolution 1995/24. In fact, there was a built-in dislocation as a result of the timing of the Group's first session, an anomaly that obviously needed to be corrected.

58. Mr. Joon Hee LEE (Republic of Korea) said that his delegation encouraged the ongoing efforts of the Special Rapporteur on religious intolerance, whose field visits, in particular, were useful for the enhancement of State responsibility. It also supported the establishment of the Working Group on Minorities and welcomed the presentation of its first report.

59. The Group should suggest concrete, constructive and peaceful solutions to minority situations, thereby helping to prevent the types of minority rights violations which caused mass population displacements and "ethnic relocation". It should, however, avoid duplication of work. Its Chairman-Rapporteur had rightly stated that a more comprehensive linguistic and cultural protection of settled groups appeared to be justified and that the protection of minorities should not be limited to those with citizenship.

60. States were responsible for the human rights of all peoples within their jurisdiction and Governments must act as a bulwark against anti-minority sentiment and religious intolerance, making use of the advisory and technical services provided by the United Nations. It was a sad irony that 1995, the United Nations Year for Tolerance, would be mainly remembered for the painful consequences of intolerance.

61. Mr. PARKER (Chile) said it was estimated that over 100 million persons lived and worked outside their countries of origin, and migratory movements were likely to increase exponentially in the years to come, as a result of the progressive globalization and interdependence of the world and of the parlous state of most developing countries. While migratory movements stemmed from natural disasters, political, social and ethnic convulsions, war and massive violations of basic human rights, their main causes were poverty, marginalization, social exclusion, unemployment and lack of opportunities due to the unjust international economic order.

62. Migrant workers and their families frequently had to face abuses in their host countries in the form of unequal wages, denial of their rights and

xenophobia, both at work and in their daily life in society. That was particularly true of undocumented workers and migrant women, who were often the victims of organizations trafficking in persons for criminal purposes and subjected to humiliating and vexatious treatment.

63. Given the dimensions of current migratory flows, international cooperation was needed to improve the effectiveness of the legal instruments for the protection of migrant workers and their families. All those States that had not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should thus do so and enable it to enter into force.

64. Migrations would be with the world for a long time to come and it was necessary not only to provide legal protection for migrants, but also to eradicate discriminatory and xenophobic feelings and behaviour against them.

65. Mr. GETAHUN (Ethiopia) said that his delegation welcomed the report on the first session of the Working Group on Minorities (E/CN.4/Sub.2/1996/2) and wished to associate itself with the comments made by the observer for Switzerland regarding the advantages of federalism and regionalism. It looked forward to participating in the Group's future sessions. It welcomed the Working Group's decisions to allow all observers to submit relevant, factual and objective information on concrete situations involving minorities; to give priority to the constitutional and main legal provisions protecting the existence and identity of minorities; and to act only as a forum for dialogue and the exchange of ideas, information and experience. The Working Group should not be distracted from substantive discussions by lengthy debates on issues relating to the definition of minorities.

66. The World Conference on Human Rights had reiterated that persons belonging to minorities had the right to enjoy their own culture, to profess and practise their own religion, and to use their own language in private and in public, without interference or discrimination. In his own country, the blatant denial of those and other basic rights had been the source of civil strife until the overthrow of the dictatorial military regime in 1991.

67. The new Constitution of the Federal Democratic Republic of Ethiopia had brought about far-reaching changes in the area of basic freedoms and human rights; all human rights instruments ratified by Ethiopia had become an integral part of domestic law and could be invoked directly, the rights of nations, nationalities and peoples to self-determination were fully guaranteed, and provision was made for a number of seats reserved for minorities in the Council of People's Representatives and for the establishment of a Human Rights Commission and an Ombudsman. The full enjoyment and protection of human rights and fundamental freedoms and the rule of law were thus firmly established.

68. The devolution of power to the different regions of the country had done away with the centralized structure of government and enabled the various nations, nationalities and peoples of Ethiopia to control their own destiny. Those arrangements, together with an independent judiciary and police, a free

press and credible human rights institutions were sufficient safeguards against any attempt to violate the human rights and fundamental freedoms enshrined in the Constitution.

69. Mr. YOUSUF (Pakistan) said that the question of protecting migrants continued to be a relatively neglected field of human rights and needed to be tackled in a comprehensive way. The laws of all countries, especially host countries, should recognize the fundamental human rights of migrants and should conform to internationally accepted standards, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In particular, such laws should recognize the rights of migrants to freedom of movement and residence, to form associations, and to be treated on a footing of equality with nationals, in terms of access to education, health, housing and social services, protection from arbitrary dismissal, and unemployment benefits. Indeed, the only restrictions on migrants should be those based on national security considerations.

70. Nevertheless, legislation was not enough. There had to be a change in people's attitudes and behaviour towards migrants. They would continue to be blamed for the various ills afflicting their adoptive countries until the host societies were educated as to the positive contributions which they made to the national wealth.

71. Migration also needed to be studied as a phenomenon, in the same way as efforts were made to understand and predict economic cycles. While uncontrolled migration could be a threat to world order, resisting migration by tougher legislation or by the encouragement of xenophobic tendencies was ill-advised and could only damage the moral values of the receiving State. In fact, States which attracted migrants should, like businesses, endeavour to predict their manpower needs, which might well require a regular inflow of new people, willing to do jobs which others did not want or possessing skills not found in the existing population. Immigration of the required manpower should then be properly organized and controlled.

72. On the other hand, the best way to check undesired migratory flows was to encourage investment in the countries of origin, preferably by means of an international plan of action.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17)
(E/CN.4/1996/93 and Add.1)

73. Mr. KIRBY (Special Representative of the Secretary-General for Human Rights in Cambodia), introducing his final report on the situation of human rights in Cambodia (E/CN.4/1996/93), said that progress had been made in a number of areas relevant to human rights including health, education, culture, women's rights, the environment and civil society, with the establishment and growth of numerous human rights NGOs and the support of King Sihanouk. However, notwithstanding those positive signs, there were still some problem areas.

74. Despite the commitment of the Paris Peace Agreements and the Cambodian Constitution to multi-party democracy, various obstacles had been put in the

way of the registration of an opposition political party. Those obstacles must be removed. Similarly, access to the media, especially radio and television, was being effectively denied to the opposition. He was also concerned about the expulsion from the National Assembly of elected members and the derogation from their rights, in which connection, he welcomed the consideration of the issue by the Inter-Parliamentary Union. Women continued to suffer many disadvantages in Cambodia and there was a need for their effective protection against physical, sexual and other violence.

75. There were also departures from the proper protection of and respect for the rights of indigenous peoples, and the Government of Cambodia must learn from other countries how to involve and consult indigenous communities in decisions affecting their habitat, culture and interests. There was also a need for effective legislation to defend the Cambodian eco-system against those who would destroy it for very short-term economic returns.

76. The problem of underpaid judges was one of deep concern, since arrangements must be made to put the judiciary beyond the temptation of corruption. He strongly recommended, therefore, the appointment of the members of the Supreme Council of Magistracy and of the Constitutional Council envisaged by the Constitution.

77. The prison system was still in need of urgent attention and assistance from the international community to alleviate the shocking conditions under which most prisoners lived. There was also an urgent need for Cambodia to enact immigration and nationality laws in keeping with international law and the Constitution.

78. While he had received attentive consideration of his proposals and suggestions at virtually every level of Government during his period of office the Co-Prime Ministers had been unavailable to see him for the last year despite a public assurance that the Government would continue to welcome his visits. The provision of advice and assistance to the Government in the promotion and protection of human rights required dialogue, including at the highest level. Refusal of dialogue because the advice was occasionally unwelcome, was not an appropriate and effective way of clarifying differing perspectives and isolating areas in which cooperation could be fruitful.

The meeting rose at 1.05 p.m.